
OLR Bill Analysis

sSB 492

AN ACT CONCERNING THE REPORTING OF SUSPECTED CHILD ABUSE BY PERSONS WHO ARE DIRECTORS, OFFICERS OR EMPLOYEES OF NONPROFIT CORPORATIONS.

SUMMARY:

This bill requires directors, officers, and employees of nonprofit corporations incorporated or operating in Connecticut to file a report with the Department of Children and Families (DCF) if they have reasonable cause to suspect or believe a child under age 18 (1) has been abused or neglected; (2) has had a nonaccidental injury, or injury that differs from its given history, inflicted upon him or her; or (3) is placed at imminent risk of serious harm by a person acting on the corporation's behalf. It subjects them to the same standards, protections, and penalties for failure to report as apply to mandated reporters (see BACKGROUND) under existing law without designating them as mandated reporters.

It allows DCF to make available to these directors, officers, and employees educational and refresher training programs for accurate and prompt child abuse and neglect identification and reporting. By law, DCF must provide the programs to new school employees and make them available to all mandated reporters.

Finally, it specifies actions DCF must take if a nonprofit corporation director, officer, or employee does not make a required report within the prescribed time period.

EFFECTIVE DATE: October 1, 1014

PROTECTION AGAINST RETALIATION

The bill extends the existing law's protections against employer retaliation to nonprofit corporation directors, officers, and employees required to report suspected child abuse or neglect by a person acting

on the corporation's behalf.

The law prohibits an employer from (1) firing, discriminating, or retaliating against any employee who reports child abuse or neglect as required by law or (2) hindering, preventing, or attempting to hinder or prevent an employee's efforts to make such a report. The attorney general may sue and a court may impose a civil penalty of up to \$2,500 or other equitable relief (CGS § 17a-101e(a).)

The state's whistleblower law also prohibits employers from discharging, disciplining, or otherwise penalizing employees who reports suspected child abuse or neglect as required by law. An employee so penalized may sue for job reinstatement, back pay, and reestablishment of employee benefits after exhausting administrative remedies (CGS § 31-51m(b)).

MANDATED REPORTER PENALTIES

The bill also subjects the nonprofit directors, officers, and employees to the same penalties that mandated reporters face for failing to report child abuse or neglect or knowingly filing a false report.

By law, anyone required to report suspected child abuse or neglect must (1) report orally to DCF within 12 hours of having reasonable cause to suspect or believe that a child has been abused, neglected, or placed in imminent risk of serious harm and (2) report in writing within 48 hours after making an oral report. A person subject to these requirements who fails to meet them (1) commits a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both and (2) must participate in an educational and training program (CGS § 17a-101a(d)).

Also by law, anyone required to report suspected child abuse or neglect who knowingly files a false report may be imprisoned for up to one year, fined up to \$2,000, or both (CGS § 17a-101e(d)).

DCF REQUIREMENTS

As is currently the case with mandated reporters, if the DCF commissioner suspects or knows that a nonprofit corporation director,

operator, or employee has failed to make a required report within the prescribed time period, she must (1) record the delay, (2) develop and maintain a database of these records, and (3) investigate the delay. The investigation must include how the corporation responded to the employee's, director's, or officer's failure to report. The bill also requires DCF to develop a policy for investigating such delayed reports. The law already requires (1) the DCF commissioner to take similar actions if she suspects or knows that a mandated reporter who works for a school failed to report within the requisite time period and (2) DCF to develop a policy for investigating delayed reports by mandated reporters.

BACKGROUND

Mandated Reporters

Mandated reporters are:

1. licensed physicians or surgeons, resident physicians or interns working in Connecticut hospitals, registered or licensed practical nurses, and mental health professionals or physician assistants;
2. medical examiners;
3. dentists and dental hygienists;
4. psychologists;
5. school employees;
6. social workers;
7. police officers;
8. juvenile and adult probation and parole officers;
9. clergy members;
10. pharmacists;

11. physical therapists;
12. optometrists, chiropractors, and podiatrists;
13. licensed or certified emergency medical services providers;
14. licensed or certified alcohol and drug counselors, licensed marital or family therapists, licensed professional counselors, and sexual assault and domestic violence counselors;
15. licensed foster parents;
16. people paid to care for children in a public or private facility, child day care center, group day care center, group day care home, or family day care home licensed by the state;
17. DCF employees;
18. Department of Public Health employees responsible for licensing child day care centers, group day care homes, family day care homes, or youth camps;
19. the child advocate and her employees; and
20. Judicial Branch employees working as family relations counselors, counselor trainees, and family services supervisors (CGS § 17a-101).

Related Bill

sHB 5040, reported favorably by the Children's, Education, and Judiciary committees, expands the mandated reporter list to include any paid youth camp director or assistant director and anyone age 18 or older who is a paid (1) youth athletics coach or director; (2) private youth sports organization, league, or team coach or director; or (3) administrator, faculty, or staff member, athletic coach, director, or trainer employed by a public or private higher education institution, excluding student employees. The bill also exempts certain social workers from mandated reporter responsibilities in certain circumstances.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 33 Nay 7 (04/02/2014)